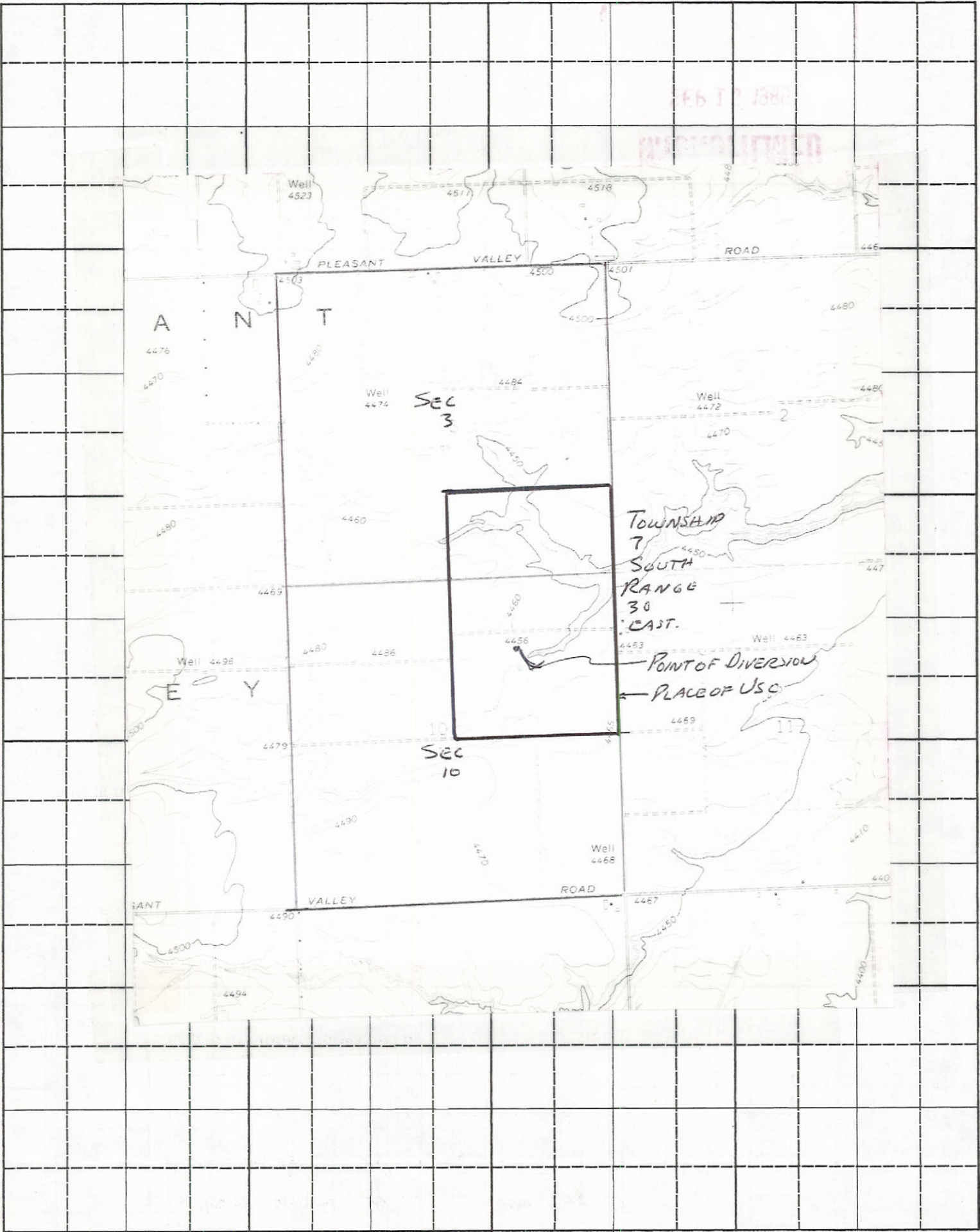


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



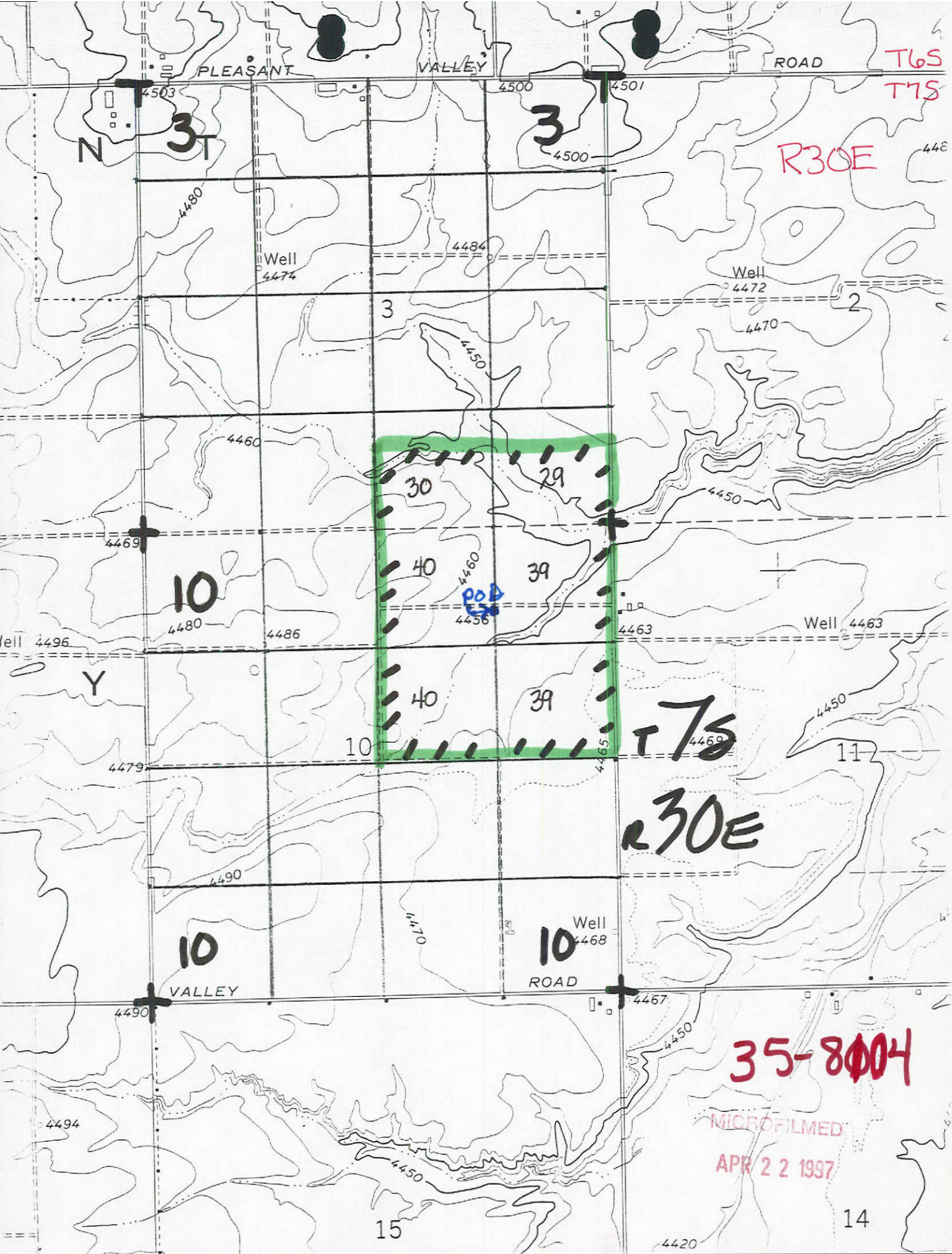
Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

SEP 15 1989

Funk & Pong Farms Wash Pong
(Applicant)



35-08104

Ray Hunter
(V. Krein)

1-
145.9

34/35

55/36

T₃

T₃
T-2204

#745
Wade Povey

3

30

29

T-2206

T-2204

#745

Wade Povey

40

POD

39

40

39

#1044

Wade Povey
(L. Zimmerman)

1-
114.8

T-218

2-
291

C-
203

4-
36.3

5-
575

2-
414

9-
149

K-10

NOT TO SCALE

8-
321

35-8104 APR 22 1997



35-8104

MICROFILMED

APR 22 1997

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08104

Priority: February 25, 1983 Maximum Diversion Rate: 1.32 CFS

This is to certify, that FUNK & POVEY FARMS

C/O WADE POVEY

2479 POVEY RD

AMERICAN FALLS ID 83211

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 25, 1983; and has submitted Proof of Beneficial Use on March 7, 1990. An examination indicates that the works have a diversion capacity of 4.800 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION	04/01 to 10/31	1.32 CFS	
------------	----------------	----------	--

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 10, Township 07S, Range 30E
POWER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	30E	3	SWSE 27	SESE 30		57
		10	NENE 39	NWNE 40	SWNE 40	159
			SENE 40			

Total number of acres irrigated: 216

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08104

CONDITIONS OF APPROVAL AND REMARKS

7. Rights 35-02489 and 35-08104 when combined shall not exceed a total annual volume of 864.0 af for the irrigation of the 216 acres listed above.
8. Right 35-02489 is also diverted through the point(s) of diversion described above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 21ST day of APRIL, 1992.


KARL J. DREHER, Director

RECEIVED
MAR 7 1990

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

For Office Use Only
Fee Received \$ 125.00
Date 3/7/90
Receipt # 6015366
Receipt by Jenny
Reviewed by DD-4-1-90
Sent to Region

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. P35-08104

Name(s) of Permit Holder: Funk + Povey Farms

Post Office Address: 2479 Povey Rd. Am Falls Ida

Telephone No. 208-226-2196

Source of Water: Ground

Extent of Use:

Domestic (number of households) Stockwater (number and type of stock)

Irrigation 240 (acres) Other/Remark

Total rate and/or volume for which proof is submitted 1.8 cfs acre-feet

Show the date water was first diverted and beneficially used under this permit: April 1 1987

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ 125.00
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

WADE POVEY
(Name)

208-226-2196
(Telephone Number)

2479 Povey Rd. Am. Falls Idaho 83211
(Address)

MICROFILMED

APR 17 1990

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

March 3 1990
Date

Wade Povey
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08104

Proposed Priority: February 25, 1983 Maximum Diversion Rate: 1.80 CFS

This is to certify, that **FUNK & POVEY FARMS**

C/O WADE POVEY

RT. 1 BOX 132A

AMERICAN FALLS, ID 83211

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
-----------------------	----------------------	--------------------------

IRRIGATION	04/01 to 11/01	1.80 CFS
------------	----------------	----------

<u>LOCATION OF POINT(S) OF DIVERSION:</u>	NWNE	Sec. 10, Township 07S, Range 30E POWER County
---	------	--

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07S	30E	3	SWSE 40	SESE 40		80
		10	NENE 40	NWNE 40	SWNE 40	160
			SENE 40			

Total number of acres irrigated: 240

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **October 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.
5. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
6. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. The rate of diversion of water for irrigation under this permit, and all other water rights on the same land shall not exceed **0.02** cubic feet per second for each acre of land.

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 35-08104

CONDITIONS/REMARKS:

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

31st day of August, 1989.

J. Glen Sayton
for R. Keith Higginson, Director

MICROFILMED

SEP 15 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Funk & Povey Farms c/o Wade Povey Phone 226-2196

Post office address Rt. 1, Box 132A, American Falls, ID 83211

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 7S

Range 30E.B.M. Power County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 1.80 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 1.8 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 18" Diameter well with 200 hp
motor to mainline to sprinklers

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 18 inches; proposed depth of well is 136 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.

(5) If water is to be used for other purposes describe: _____

MICROFILMED

SEP 15 1989

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7S	30E	3															40	40	80
		10	40	40	40	40													160

Total number of acres to be irrigated 240

c. Describe any other water rights used for the same purposes as described above. License 35-2489
Amount 3.0 cfs Priority 1-15-1957

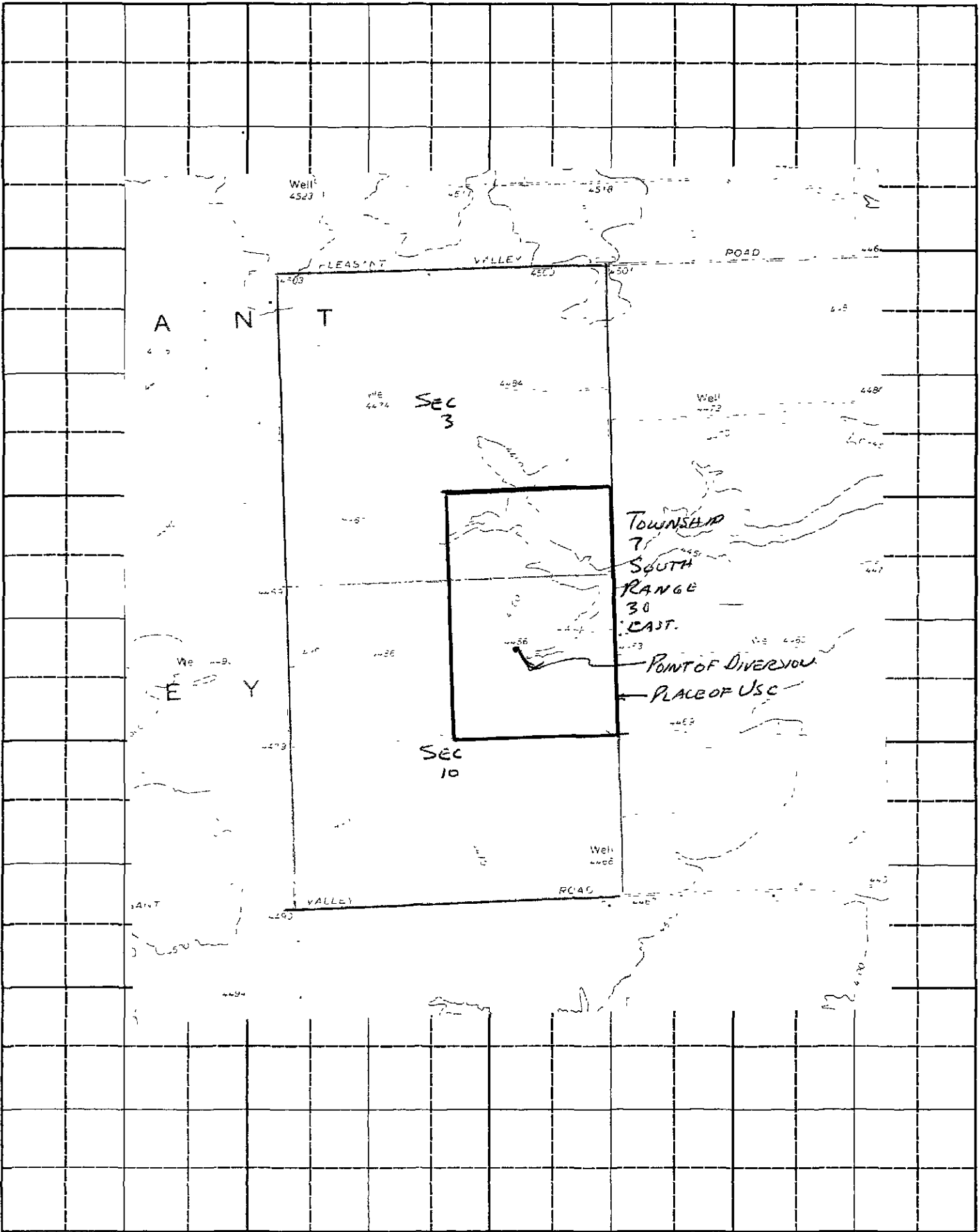
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

SEP 15 1989

Frank & Percy Fuma *Walter Fuma*
(Applicant)

Received by S.M Date 2/25/83 Time 2:00 p.
Preliminary check by HWT Fee \$ 65.00
Receipted by BP Date 2/25/83 # 25439
Publication prepared by AB Date _____
Published in Lower County Press 7-6-89
Publication dates 7-6-89
Publication approved AB Date 7-19-89
Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by HWT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:
 - a. SUBJECT TO ALL PRIOR WATER RIGHTS.
 - b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
 - c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
 - d. Other:

MicroFILMED

SEP 15 1989

Affidavit of Publication

State of Idaho

County of Power

Erma Crompton being first duly sworn on oath, states:

That she is the publisher of The Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 2 successive weekly issues thereof, the date of the first publication being the 5 day of July 1989 and the date of last publication being the 12 day of July 1989.

(Signed)

Erma Crompton

State of Idaho

County of Power

On this 17 day of July in the year of 1989, before me, a Notary Public, personally appeared Erma Crompton, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Brett Crompton

Notary Public for Idaho

Residing at American Falls, Idaho

My commission expires: June 8, 1993

RECEIVED

JUL 18 1989

Department of Water Resources
Eastern District Office

MICROFILMED

SEP 15 1989

Notice of application

Published in The Power County Press July 5 and 12, 1989

In: T08S R29E S09 NWNE NENW
NWNW SWNW
SESW NESW NWSW SWSW SESW

NOTICE OF APPLICATION FOR WATER RIGHT

287.0 ACRES TOTAL

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

35-08104
FUNK & POVEY FARMS
RT. 1 BOX 132A
AMERICAN FALLS, ID 83211

35-08079
BETHKE, DAVID
BOX 59
AMERICAN FALLS, ID 83211

Source: GROUNDWATER
Diversion Pt: NWNE Sec 10 T 07S R 30 E

Source: GROUNDWATER
Diversion Pt: SENW Sec 23 T 07S R 30 E
Use: IRRIGATION (.800 CFS)
Date Filed: 1/17/1983
In: T07S R 30 E S03 SWSE SESE
S10 NENE NWNE SWNE SENE
40.0 ACRES TOTAL

Use: IRRIGATION (1.800 CFS)
Date Filed: 2/25/1983
In: T07S R 30 E S03 SWSE SESE
S10 NENE NWNE SWNE SENE
240.0 ACRES TOTAL

35-08093
WHITNAH RANCES, INC.
RR 1 BOX 17
AMERICAN FALLS, ID 83211

Source: GROUNDWATER
Diversion Pt: NESW Sec 9 T 08S R 29 E
Use: IRRIGATION (2.950 CFS)
Date Filed: 2/04/1983

The permit(s) will be subject to all prior water rights. Protest may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JULY 24, 1989.
R. Keith Higginson, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 21, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FUNK & POVEY FARMS
C/O WADE POVEY
2479 POVEY RD
AMERICAN FALLS ID 83211

RE: WATER RIGHT NO. 35-08104

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name.

Shelley W. Keen
Water Rights Supervisor

SK:ph

Enclosure

ENCLOSURE

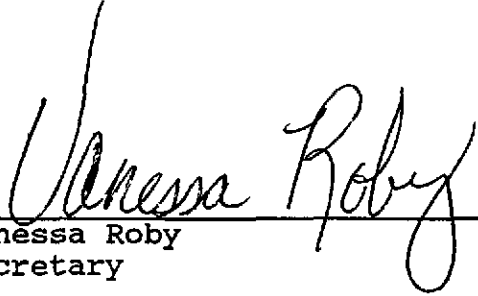
APR 22 3 12

CERTIFICATE OF MAILING

I hereby certify that on the 21st day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-08104

FUNK & POVEY FARMS
C/O WADE POVEY
2479 POVEY RD
AMERICAN FALLS ID 83211



Vanessa Roby
Secretary

MEMORANDUM

TO: File 35-08104

FROM: Sharla

DATE: April 10, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Right 35-08104 are based on the following:

C. DIVERSION AND DELIVERY SYSTEM

6. Place(s) of Use:

T7S, R30E, S3 - SWSE (27 acres), SESE (30 acres)
S10 - NENE (39 acres), NWNE (40 acres)
SWNE (40 acres), SENE (40 acres)
TOTAL 216 acres

I. RECOMMENDATIONS

Irrigation 4/1 - 10/31 1.32 cfs

The number of acres in each $\frac{1}{4}$ has been taken from the R record (SRBA file) and the aerial photo attached to the exam supports these figures. The rate of diversion and total combined volume has been calculated on this number.

Examiner: Lyn Bushaw

Exam Date: July 2, 1991

WICER-11150

204 7 2 1991

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08104

DATE 3/28/97

REVIEWER: SHARLA

NAME Change OK

Address Change No

SOURCE Change OK

Is change/clarification of originally intended source? Yes

POINT OF DIV Change OK

If not, prepare Notice of Intent to Void Yes
Amendment required No

PLACE OF USE Change OK

Amendment required No

Does map agree with written description? Yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate 1.8 cfs
Fee limit 2.0 cfs \$12500
Measured 4.8 cfs 4.83 (384 birds @ 5.39 gpm)
Theoretical 4.27 cfs @ 60 psi and 150' lift 3.73 @ 78 psi
Recommended Total Div Rate 1.32 cfs

ANNUAL VOLUME/
NATURE OF USES

Use

Volume Calculation

Irr. af
 af
 af
 af
SUBTOTAL af

Flow rate 1.32 cfs X 214 days X 1.98 = 559.3 af
Total volume recommended af
(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

W35 (35-02489, 564 0 af) 216 ac listed above
W36 " "

CONDITIONS Watermaster Control WD#

2 GW Measurement/Measuring Device
131 Overlap
 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed N/A
Adjustment Memo

1st Amend Letter N/A
2nd Amend Letter N/A

acres
rate
volume

AJ5809NP
No. R35-02489

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/28/97
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WADE POVEY	01/15/1957	IRRIGATION	04-01 10-31	3.00 CFS	864.00 AFA
C	SUSAN POVEY					
	2479 S POVEY RD					
	AMERICAN FALLS ID 83211			TOTAL DIVERSION:	3.00 CFS	864.00 AFA
	(208) 226-2196			CONSUMPTIVE USE:		648.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R30E S10

SEWNNE

POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM		
07S	30E	3	:																	:	57.0		
07S	30E	10	:	39		40		40		40										:	159.0		
																				TOTAL ACRES		216.0	

POU County: POWER

Other Rights: 35-08104

Dates: Exam Made Date: Verified Date: 08/13/1993 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 08/13/1993 User-ID: KEEN Subject: CLAIM REVIEW
DESKTOP REVIEW, DRAFT RECOMMENDATIONS, AND DATA ENTRY BY
S.W. KEEN.

Date: 08/13/1993 User-ID: KEEN Subject: OVERLAP
PERMIT 35-08104 SERVES THE SAME PLACE OF USE FROM THE SAME WELL.

Audit: 08/13/93 KEEN 03/30/95 POST-STD

To file 35-08104

S.W. Keen

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 10 1997

Department of Water Resources

A. GENERAL INFORMATION

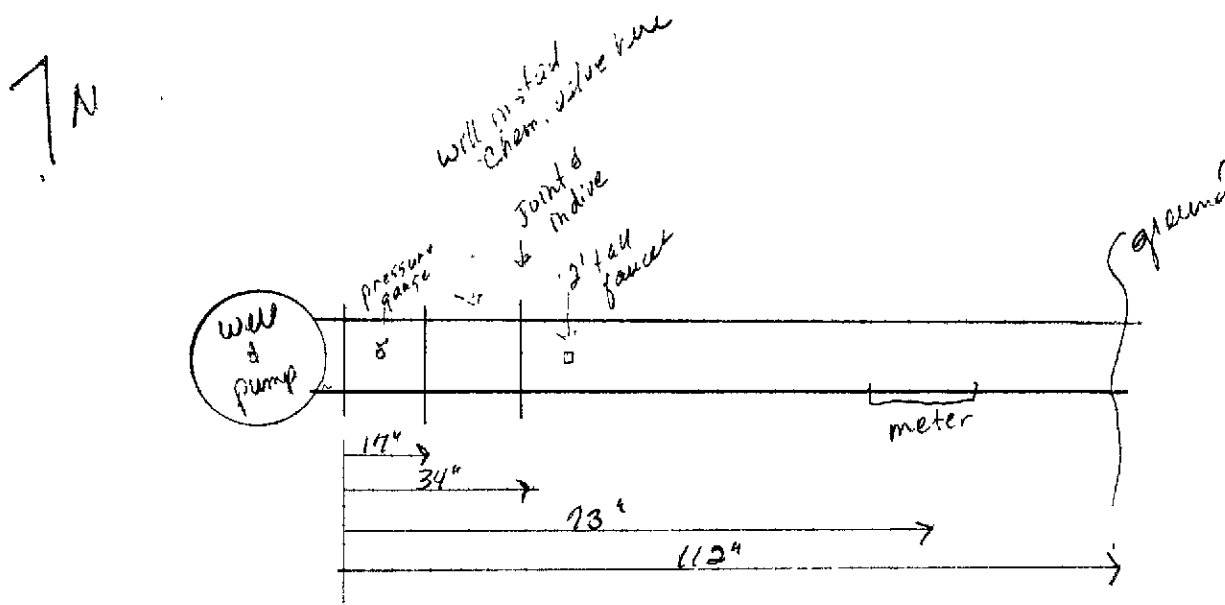
1. Owner: Wade Povey Permit No. 35-8104
Current Address: 2479 S Povey Rd. Amer. Falls, ID 83211 Phone No. 226-2196
2. Accompanied by Wade Povey EXAM. DATE 7-2-91
Address: same Phone No. _____
Relationship to Permit Holder: same
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 35-02489 (3.0 cfs) 240K
_____ ☐ Copies Attached
2. Other water rights with same point of diversion 35-02489
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i d as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

MICROFILMED
APR 22 1997

2. ☐ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached ~~500~~ ~~1000~~ ~~1000~~
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or more).

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well, pump to mainline to wheelines 12 lines - 32 birds
 @ 5/32

Well depth - 150' dynamic - accord to owner

☐ See Remarks on page 4 for continuation

- 4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Field two	US Motor	200	1183150	Jayne Brothers	P. " (45/50)

*Code to correspond with No. on map and aerial photo

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					10	75	30E	Power	DE 15 line - 11/12/13

6. **Place(s) of Use:**

Indicate Method of Determination on photo / ASCS

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
75	30E	3															30	29	59
75	30E	10	39	40	40	39													158
																			217

UPLOADED

APR 22 1937

Do not use this space

9.5

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gauge Hydrometer	Combit ultra sonic	Polysonic	TP-2	149743	1/40 1/40	V-

2. Measurements:

78 psi (per installed gauge)	
65 psi - (read at bar)	65 psi
25.87 gpm	60 " 61 psi avg.
	58 "

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method

Polysonic - 2156.25 gpm = 4.80 cfs

2. Alternate Method for Checking Purposes:

Shear 12 @ 32 @ 5.39 gpm = 2169.6 gpm = 4.83 cfs

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 217 \times 4 = 868 \text{ AF/A}$
 $V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.80 (214) (1.9835) = 2037.5$
 $V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 868 \text{ AF/A}$

2. Volume Calculations for Other Uses

RECORDED
APR 22 1957

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Licence 35-02489 → 3.0 cfs (240 ac)
Perm. + → 35-08104 → 1.34 cfs (217 ac)
TOTAL Q → 4.34 cfs → 217 acres total (.02) =

$$217(4) = 868 \text{ AF/A}$$

total Q = 4.34 cfs
Acres → 217 acres

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRR	4/01	10/31	1.34 cfs	868
Totals:			1.34 cfs	868

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

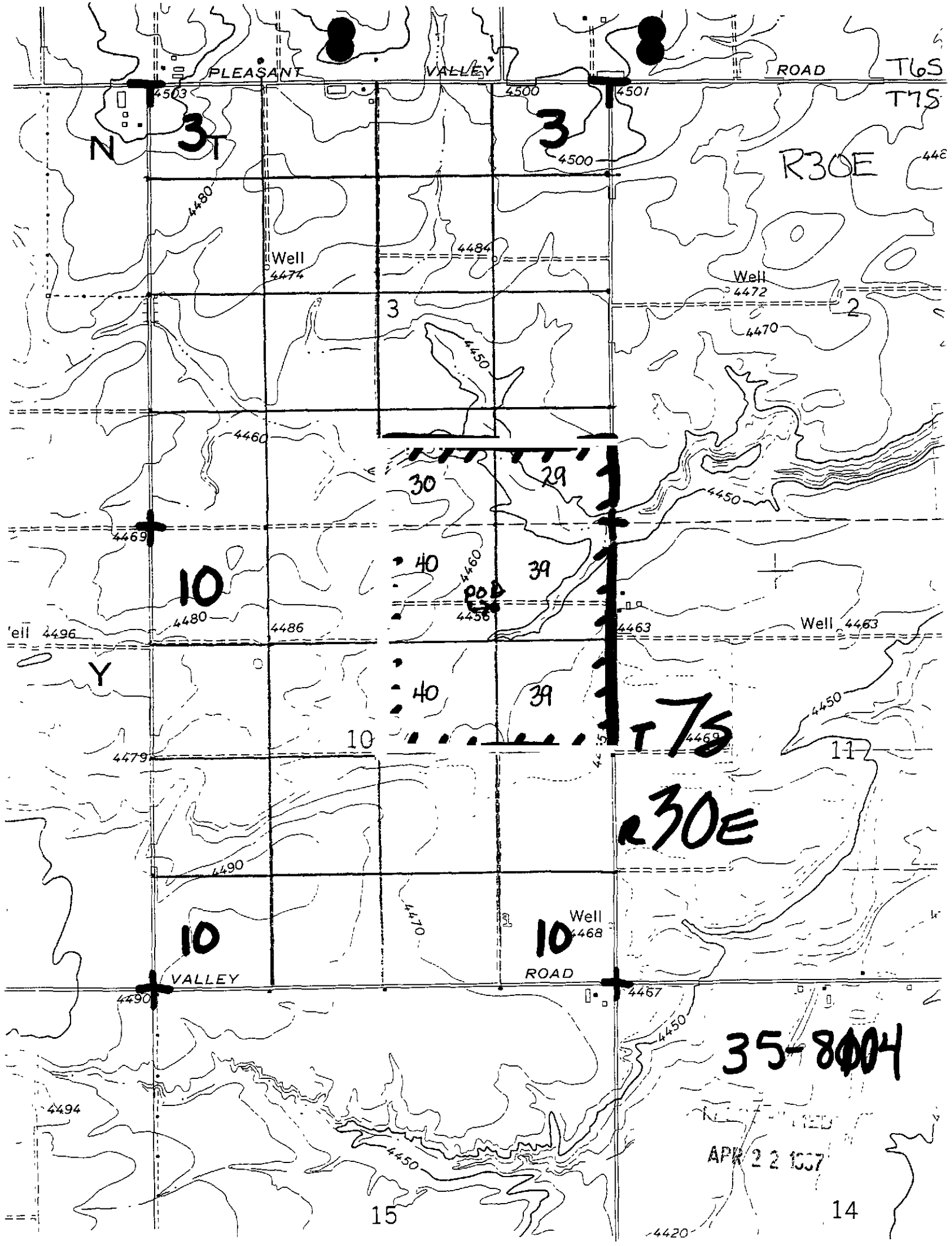
Field Examiner's Name Lynn Bushaw
Signature Lynn Bushaw
Certification Date 5-91
Field Report Preparation Date 7-2-91

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

Dave Coats 1/6/97

MICROFILMED
APR 22 1997



35-08104

3

35

3

2-214

2-1000

3

2-214

2-214

2-214

Not to Scale

35-8104 APR 22 1957

7-2-91
35-8104

+ 8.658E 0FPS 001
+000.30. AI2 001

MODE SELECT
INPUT

OUTER DIAMETER
8.1165 IN

PIPE MATERIAL
CS.35

WALL THICKNESS
.11100 IN

INNER LINING
NO LING.

KIND OF FLUID
WATER

SENSOR MOUNTING
"

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
5.983 IN U

ZERO MODE
AUT ZERO

07-02 11:2000 *R
+ 2.174E 3GPM

MODE SELECT
TO CHECK

0300.6 MMSEC
101.89 % T0

07-02 11:2100 *R
+ 2.169E 3GPM

07-02 11:2800 *R
+ 2.151E 3GPM

07-02 11:2900 *R
+ 14.179E 0FPS

07-02 11:2900 *R
+002.90 % AI2

07-02 11:3600 *R
+ 2.144E 3GPM

07-02 11:4000 *R
+ 2.161E 3GPM

2156.25 gpm
avg

MEASUREMENT
TAPE
35-8104

35-8104

11:05+ 2:17E 36PM 001

7-291
35-8104

+ 8.658E 0FPS 001
~~+000.30% HI 001~~

MODE SELECT
INPUT

OUTER DIAMETER
8.1165 IN

PIPE MATERIAL
CS-SS

WALL THICKNESS
.1100 IN

INNER LINING
NO LING

KIND OF FLUID
WATER

SENSOR MOUNTING
H

TYPE OF SENSOR
SMALL

DATA CHANGE
NO

SPACING
5.903 IN

ZERO MODE
NOT ZERO

07-02 11:2000 4P
+ 2.174E 36PM

MODE SELECT
TO CHECK

0300.6 MMSEC
101.03 % TO

07-02 11:2100 4P
+ 2.169E 36PM

07-02 11:2200 4P
+ 2.151E 36PM

07-02 11:2300 4P
+ 14.173E 0FPS

07-02 11:2400 4P
+002.90 % HI

07-02 11:3600 4P
+ 2.144E 36PM

07-02 11:4000 4P
+ 2.161E 36PM

2156.25 gpm
avg

MODE SELECT



35-8104

1/20/50
8/1/50

Department of Water Resources

WELL INSPECTION FORM

If well is associated with water right, provide WR# 35-8104
Otherwise provide legal description and a sketch map and/or address
so that the well can be located easily.

1. Legal Description: TWP 7S, Rge 30E, Sec. 10, 1/4 1/4
or Lot .
2. Owner: Wade Povey
Address RI 1, Box 132A, City Am. Falls, St ID
3. Casing $\geq$ 12' inches above ground: Yes No X
4. Access Port: Yes No X Static Water Level:
Pressure Gauge: Yes X No Casing Diameter:
Flowing: Yes No Temperature:
5. Are there any obvious construction problems that may be a
source for contamination or waste of water: Yes No X

If answer to Item 5 is Yes, describe in remarks and attach
photo.

Remarks: several risers were leaking - spraying -
enough water to keep ground soaked to depth
16"-8".
Area around well had standing water.

UNCLASSIFIED

DEC 22 1987

April 13, 1990

FUNK & POVEY FARMS
C/O WADE POVEY
RT. 1 BOX 132A
AMERICAN FALLS, ID 83211

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08104

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

APR 17 1990

1/08

PROOF OF BENEFICIAL USE

ANALYSIS SHEET

Permit No. 35-8104

Date: 4/11/90

General Considerations:

- ☒ Name same as permit
☒ Signature the same as permit holder
☒ Address change Yes If yes, prepare a data entry
☒ Proof received timely
_____ Reinstated

Source of Water:

- ☒ Surface water
☒ Groundwater
NO 1. well log in file April 1987
NO 2. drilling permit
NO A. amount of drilling fee paid for proposed uses

Extent of Use and Rate of Diversion:

- ☒ Rate of diversion appropriate for uses
☒ Is rate or volume and fee appropriate?
☒ Has permit holder indicated when water was first put to a beneficial use?

Measuring Device:

- ☒ Is a measuring device or access port required?
☒ Has one been installed?
☒ Waiver or modification of measuring device requested

Remarks:

Proof acceptable

Priority Calculation:

Date proof received

Date proof due

No. of days late

Priority date

NEW PRIORITY DATE

<u>NA</u>	

SEND FILES TO DATA ENTRY AND THEN TO MICROFILM

Address Change

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
September 1, 1989

FUNK & POVEY FARMS
C/O WADE POVEY
RT. 1 BOX 132A
AMERICAN FALLS, ID 83211

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P35-08104

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

RECEIVED

SEP 15 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

SEP 15 1983

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS APPLICATION NUMBER: 35 8104

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☒ Yes ☐ No Other rights on same place of use. 35-2489
☒ Yes ☐ No* In form for advertising.
Final date for protests: 7-24-89
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7-18-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☐ Yes ☒ No Measuring device required.
☒ Yes ☐ No Access port required.
☒ Yes ☒ No Will water be delivered by watermaster? If yes, what district? 01-P05
2-25-83 Date of priority recommended.
Special conditions of approval or cover letter. <016>

Rule 4.5.1 not requested because of previous license + existing well.

App. in NON-TRUST area

allow 1 yr. for development -

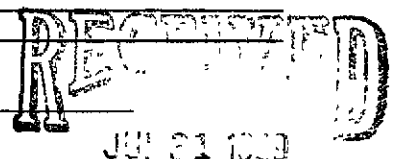
By: HWS Date: 7-26-89

STATE OFFICE REVIEW:

P05, P23, P03, P16 48 49 46 016

- ☐ See attached sheet for more information.
By: KW

Date: 8/24/89



29-Jun-1989

Funk & Povey Farms
c/o Wade Povey
Rt. 1, Box 132A
American Falls, ID 83211

RE: Application for Permit No. 35-8104

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Power County Press. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

SEP 15 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

JUNE 27, 1989

THE POWER COUNTY PRESS
P.O. BOX 547
AMERICAN FALLS, ID 83211

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 24, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

Microfilm

SEP 15 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed appropriate the public waters of the State of Idaho:

MICROFILMED

SEP 15 1964

35-08104

FUNK & POVEY FARMS
RT. 1, BOX 132A
AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Diversion Pt: NWNE Sec 10 T 07S R 30E

Use: IRRIGATION (1.800 CFS)

Date Filed: 2/25/1983

In: T07S R30E S03	SWSE	SESE		
S10	NENE	NWNE	SWNE	SENE

240.0 ACRES TOTAL

Microfilm

SEP 15 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JULY 24, 1989.

R. Keith Higginson, Director

Published 7/05/1989 & 7/12/1989

MICROFILMED

SEP 15 1989

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. 35-8104
Name(s) of Permit Holder: FUNK & POVEY FARMS

Route #1 Box 132A
Post Office Address: AMERICAN FALLS, IDAHO

83211 Telephone No. 226-2196

Source of Water: GROUND WATER

Extent of Use: Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 240 (acres)

Other/Remarks SUPPLEMENTAL WATER TO

EXISTING PERMITS

Indicate the date water was first diverted and beneficially used under this permit: MAY 1, 1980

Measuring Device: Required? Yes No
Installed? Yes No

Flow Measurement Port: Required? X Yes No
Required? X Yes No

Person to contact to accompany the Department representative during field examination: APPLICANT - WADE POVEY

(Name)

Same as above
(Address) (Telephone number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

1-26-85
Date

Funk & Povey Farms Wallburg
Signature of Permit
(and Title, if appropriate)

35-8104-

FUNK & POVEY FARMS

RT. 1, BOX 132A, AMERICAN FALLS, ID 83211

Source: GROUNDWATER

Date Filed: 02/25/1983

Diversion Pt: NWNE Sec 10 T 07S R 30E

Use: IRRIGATION (1.80 CFS)

In: SWSE SESE Sec 03 T 07S R 30E NENE NWNE SWNE SENE Sec 10 T 07S R 30E
FOR 240 ACRES

MICROFILMED

SEP 15 1989